

Raymond A. Cardozo, Esq. (Bar No. 173263)
Emily F. Lynch, Esq. (Bar No. 324055)
REED SMITH LLP
101 Second Street, Suite 1800
San Francisco, CA 94105
Telephone: (415) 543-8700
E-mail: rcardozo@reeds.com
E-mail: elynch@reeds.com

Derek J. Baker, Esq. (admitted *pro hac vice*)
REED SMITH LLP
Three Logan Square,
Suite 3100, 1717 Arch Street,
Philadelphia, PA 19103
Telephone: (215) 851-8100
Email: dbaker@reedsmith.com

Kurt F. Gwynne, Esq. (admitted *pro hac vice*)
Casey D. Laffey, Esq. (admitted *pro hac vice*)
REED SMITH LLP
599 Lexington Avenue
New York, NY 10022
Telephone: (212) 521-5400
Email: kgwynne@reeds.com
E-mail: claffey@reeds.com

*Counsel to the Federal Deposit Insurance Corporation
as Receiver for Silicon Valley Bank and the
Federal Deposit Insurance Corporation as
Receiver for Silicon Valley Bridge Bank, N.A.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

SVB FINANCIAL GROUP,
Plaintiff,
v.
FEDERAL DEPOSIT INSURANCE
CORPORATION, as Receiver for Silicon
Valley Bank and Silicon Valley Bridge Bank,
N.A.,
Defendant.

Case No. 5:24-cv-01321-BLF

**STIPULATED/UNOPPOSED MOTION
FOR ADMINISTRATIVE RELIEF AND
[PROPOSED] ORDER Re: ALLOWING
EXCESS PAGES FOR BRIEFING FDIC-
R1 AND FDIC-R2'S NOTICE OF
MOTION AND MOTION TO DISMISS**

Judge: Hon. Beth Labson Freeman

Action Filed: March 5, 2024

STIPULATED/UNOPPOSED MOTION FOR ADMINISTRATIVE RELIEF AND [PROPOSED]
ORDER RE: ALLOWING EXCESS PAGES FOR BRIEFING FDIC-R1 AND FDIC-R2'S
NOTICE OF MOTION AND MOTION TO DISMISS
CASE NO. 5:24-CV-01321-BLF

1 Pursuant to Civil Local Rules 7-11 and 7-12, Plaintiff SVB Financial Group (“Plaintiff”) and
2 Defendants Federal Deposit Insurance Corporation, as Receiver for Silicon Valley Bank and Silicon
3 Valley Bridge Bank, N.A. (respectively, “FDIC-R1 and FDIC-R2”) (Defendant and Plaintiff;
4 collectively, the “Parties”), by and through their respective counsel of record, hereby enter this
5 stipulation and move for administrative relief regarding exceeding the page limits allowed for FDIC-
6 R1 and FDIC-R2’s upcoming Notice of Motion And Motion to Dismiss Plaintiff’s Complaint. The
7 good cause and basis for the motion, as well as the reasons why the parties so stipulate, consists of the
8 following:

9 WHEREAS, FDIC-R1 and FDIC-R2’s responsive pleading deadline to Plaintiff’s Complaint
10 is May 10, 2024;

11 WHEREAS, this Court’s Standing Order, and the Northern District Local Rules, provides a
12 limit of twenty-five (25) pages for Rule 12 Motions to Dismiss (“Motion”), twenty-five (25) pages for
13 any Opposition to the Motion, and fifteen (15) pages for any Reply in Support of the Motion;

14 WHEREAS, Plaintiff’s complaint (i) alleges disputes aggregating more than \$1.93 Billion,
15 (ii) asserts twelve (12) counts against two (2) separate defendants, including counts under the U.S.
16 Constitution, federal and state statutes, and common law, and (iii) contains fifty seven (57) pages of
17 allegations;

18 WHEREAS, the complaint also contains multiple, distinct, and complex legal issues requiring
19 detailed, individualized attention;

20 WHEREAS, the issues raised by the complaint involve, including but are not limited to, issues
21 under the U.S. Constitution, the federal Banking Act, the California Financial Code, and California
22 common law, which similarly require discussion and evaluation;

23 WHEREAS, FDIC-R1 and FDIC-R2’s near final draft of the Motion was forty-seven (47)
24 pages;

25 WHEREAS, while the Parties will make every effort to present their arguments in an
26 economical and streamlined fashion, additional pages are required to ensure that the issues presented
27 in the case are fully and thoroughly briefed;

1 WHEREAS, the Parties agree that a modest five (5) page enlargement of the page limitations
2 applied for the Motion, a five (5) page enlargement of the page limitations applied to the Opposition
3 to the Motion, and a two and a half (2.5) page enlargement of the page limitations applied to the Reply
4 in Support of the Motion, is warranted for the reasons sets forth above;

5 WHEREAS, based on the above, the Parties believe that good cause exists for their requests
6 for excess pages for the Motion, Opposition to the Motion, and Reply in Support of the Motion;

7 IT IS THEREFORE STIPULATED AND AGREED TO BY THE PARTIES, and the Parties
8 so move the Court, that:

- 9 1. The page limit for FDIC-R1 and FDIC-R2's joint Motion is enlarged to thirty (30) pages,
10 excluding the caption, tables, signature block, exhibits, and certificate of service;
- 11 2. The page limit for SVBFG's Opposition to the Motion is enlarged to thirty (30) pages,
12 excluding the caption, tables, signature block, exhibits, and certificate of service; and
- 13 3. The page limit for FDIC-R1 and FDIC-R2's joint Reply is enlarged to seventeen and a
14 half (17.5) pages, excluding the caption, tables, signature block, exhibits, and certificate
15 of service.

16 **IT IS SO STIPULATED AND THE PARTIES SO MOVE THE COURT.**

17
18 Dated: May 3, 2024

19 By: /s/ Robert A. Sacks

20 Robert A. Sacks (SBN 150146)

21 (sacksr@sullcrom.com)

22 **SULLIVAN & CROMWELL LLP**

23 1888 Century Park East

24 Los Angeles, California 90067

25 Telephone: (310) 712-6600

26 Facsimile: (310) 712-8800

27
28 *Attorneys for Plaintiffs*

29 ///

30 ///

1 Dated: May 3, 2024

2 By: /s/ Raymond A. Cardozo

3 Raymond A. Cardozo, Esq. (Bar No. 173263)

4 **REED SMITH LLP**

5 101 Second Street, Suite 1800

6 San Francisco, CA 94105

7 Telephone: (415) 543-8700

8 E-mail: rcardozo@reedsmith.com

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
Counsel to the Federal Deposit Insurance Corporation as Receiver for Silicon Valley Bank and the Federal Deposit Insurance Corporation as Receiver for Silicon Valley Bridge Bank, N.A.

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

ATTESTATION OF COMPLIANCE

Pursuant to Local Rule 5-1(h)(3), I hereby certify that the content of this document is acceptable to Robert A. Sacks, attorney for Plaintiffs, and that I obtained Robert A. Sacks authorization to file this document, indicated by a /s/ in lieu of signature(s) on this document.

/s/ Raymond A. Cardozo
Raymond Cardozo

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____

HON. BETH LABSON FREEMAN
UNITED STATES DISTRICT COURT JUDGE